

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:19-cr-24-TWP-VTW-1
)	
JACQUELYN RAY,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On January 26, 2022, the Court held a video conference hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on December 27, 2021 (Docket No. 127). Defendant Jacquelyn Ray appeared with her appointed counsel Armand Judah. The government appeared by Kathryn Olivier, Assistant United States Attorney for Brad Shepard. U. S. Probation appeared by Officer Shallon Watson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Ms. Ray of her rights and provided her with a copy of the petition.
2. Ms. Ray requested a preliminary hearing. The Preliminary and Revocation Hearing was set for February 1, 2022 at 1:30 PM.
3. The Preliminary and Revocation hearing was subsequently continued, on the Government's motion, to March 1, 2022 at 1:30 PM (Dkt 150).

4. The hearing set for March 1, 2022 was further continued, on the Government's motion, to March 15, 2022 at 2:00 PM (Dkt. 154).
5. At the hearing on March 15, 2022, the Government appeared by AUSA Will McCoskey for AUSA Brad Shepard. The defendant appeared in custody and with appointed counsel Armand Judah. U.S. Probation was represented by Officer Shallon Watson.
6. The parties advised the Court they had reached an agreement to resolve the allegations in the Petition.
7. After being placed under oath, Ms. Ray admitted Violation 3 (Docket No. 127).
8. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- | | |
|----------|--|
| 3 | "The defendant shall not use or possess any controlled substance prohibited by applicable state or federal law, unless authorized to do so by a valid prescription from a licensed medical practitioner." |
|----------|--|

During a search that was conducted by the U.S. Probation Department on December 16, 2021, marijuana was discovered on the nightstand near Ms. Jacquelyn Ray's bed in her bedroom. Three pipes used for recreational drug use were also discovered in the home during the search. Ms. Jacquelyn Ray also admitted she used methamphetamine.

9. The Government orally moved to withdraw Violation Numbers 1 and 2, and the same was GRANTED.

10. The parties stipulated that:
 - (a) The highest grade of violation is a Grade B violation.
 - (b) Defendant's criminal history category is III.
 - (c) The range of imprisonment applicable upon revocation of supervised


release, therefore, is 8 to 14 months' imprisonment.

11. The parties jointly recommended Ms. Ray be sentenced to the Bureau of Prisons for a term of 6 months with no term of supervised release to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant VIOLATED the conditions in the Petition, that her supervised release should be REVOKED, and that she should be sentenced to the custody of the Attorney General or his designee for a period of 6 months with no supervised release to follow.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 3/16/22

A handwritten signature in black ink, appearing to read "Van Willis", is written over a horizontal line.

VAN WILLIS
United States Magistrate Judge
Southern District of Indiana

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